

August 5, 2003

MEMBERS PRESENT: Mr. Bender, Mr. Byerly, Mr. Charles

MEMBERS ABSENT: Mrs. Averill, Mr. Buck

ALTERNATES PRESENT: Mr. Rimsky, Mrs. Roberts

ALTERNATE ABSENT: Mr. Sabin

STAFF PRESENT: Mrs. Hill, Mrs. Luckey, Mr. Wood

ALSO PRESENT: Mr. Boling, Mr. DiMaria, Residents, Press

REGULAR MEETING

Regular Business

Mr. Bender called the meeting to order at 7:36 p.m. and seated Members Bender, Byerly, and Charles and Alternate Roberts.

Consideration of the Minutes

MOTION: To accept the July 1, 2003 Regular Meeting minutes as presented. By Mr. Byerly, seconded by Mr. Charles, and passed 4-0.

MOTION: To accept the July 15, 2003 Special Meeting minutes as present. By Mr. Charles, seconded by Mr. Byerly, and passed 4-0.

MOTION: To include subsequent business not already posted on the agenda. By Mr. Charles, seconded by Mr. Byerly, and passed 4-0.

New Application

Erbs/51 Sunset Lane/4 Lot Subdivision

Mr. DiMaria from Berkshire Engineering represented the property owner. He briefly reviewed the application for three additional lots and a 2.44 acre area of open space on the 16.3 acre parcel with existing dwelling. Access to the three new lots and the open space would be from a 50 foot accessway off Sunset Lane. Lot sizes varied from 4.99 acres for the lot with the existing dwelling to 2.86 acres. Mr. DiMaria said there would be no runoff onto the street and the proposed development would have no effect on the present drainage patterns throughout the property.

Mrs. Roberts arrived at 8:42 p.m. and was seated.

Mr. Bender asked if the proposed lot sizes were based on the amount of each soil type on the property. Mr. DiMaria said they were and noted calculations by Mr. Temple, soil scientist, had been included on the density determination forms submitted with the application. All but .06 acres of the 16+ acre parcel were Class A soils. He also noted each of the proposed lots would require an engineered septic system. Mr. Charles asked if there was a high water table. Mr. DiMaria said it was generally below 24 inches. Mr. Bender asked if the Inland Wetlands Commission had approved the application. Mr. DiMaria stated Mr. Temple had found no wetlands on the property. It was noted Lot #1 was 4.99 acres to address the 10% maximum coverage requirement.

The proposed open space was discussed. Mr. Bender asked if it would be possible to move back the house site on Lot #2 so a conservation easement could be placed along Sunset Lane to protect the view

from the road. He also asked if there was dedicated open space on any of the adjoining properties. Mr. Charles noted he wanted to inspect the property before deciding where the open space should be, but said the 2.44 acre interior parcel proposed as open space would be difficult to manage. Other possible layouts, which would allow more of the open space to be located out by the road were discussed. It was noted the proposed pedestrian access to the open space was only 10 feet wide and would not accommodate emergency vehicles. Mr. DiMaria was advised to consult with the Fire Department regarding minimum requirements for access to open space. Mr. Bender asked if the property owners had considered paying a fee in lieu of open space. Mr. DiMaria said they did not want to do so. Mrs. Hill noted the Commission requires the proposed language for the right of ways, conservation easements, and open space be submitted for review prior to action on the application.

The driveway plan was discussed. Mr. Rimsky noted the contours of the site and asked if the driveway would be gravel. Mrs. Roberts remarked she did not think the proposed layout was creative as the garage doors would be the first part of each house visible as you progressed down the drive. Mrs. Hill also noted the natural slope of the land toward the adjoining property and how close the proposed driveway was to the boundary line and asked if there were provisions for handling the driveway runoff on site.

Mr. Bender noted the application would be referred to both the Fire Department and the Conservation Commission.

Mr. Rimsky noted the total length of the accessway to the interior lots was part of Lot #2. Mr. Bender said the burden of driveway maintenance would then fall entirely to Lot #2. The Commissioners were skeptical that this was a workable arrangement and asked the applicant to consider other options such as Lot #4 owning the driveway with Lots #2 and #3 having a right of way over it. Mr. Bender advised the applicant that any driveway agreement to be reviewed by the Commission should include 1) who owns the driveway land, 2) who is responsible for doing any work on the driveway, 3) if the responsible party fails to do this work who will do it, 4) who pays to have the work done, and 5) what will be done if the party who should pay for the work does not pay.

Mrs. Hill noted a public hearing was optional and asked the Commission if it would conduct one. It was the consensus a hearing would be held. Mr. Bender advised the applicant the final map and proposed language for the conservation easement would be needed prior to the hearing. He also encouraged Mr. DiMaria to study the Subdivision Regulations to make certain he had addressed all the requirements.

A site inspection was scheduled for Saturday, August 9, 2003 at 9:30 a.m.

Mrs. Hill noted approval of the proposed driveway cut by the Board of Selectmen was required.

Mr. DiMaria noted a neighbor's driveway encroaches on his client's property. Mr. Bender thought this was a potential legal problem.

Mr. Charles questioned whether the application had been submitted before the deadline for including it on the agenda. Mrs. Hill said it had come in on July 30th, 6 days prior to the meeting as required by the Subdivision Regulations.

Other Business

Referral from the Town Road Discontinuance Committee: Mr. Bender noted the 7/30/03 letter from Mr. Boling with attached copies of the tax maps that each Commissioner had received. He said the location of the roads had not been drawn in on the maps, but Mr. Boling said they were referenced by Assessor's Map and Lot numbers in the original letter. Mr. Bender asked for a subcommittee to study the proposal and report back to the Commission at its next Regular Meeting on whether Planning should

concur with these recommendations for discontinuance. Mr. Byerly and Mr. Rimsky volunteered. Mr. Byerly asked if there were roads in addition to those listed in the letter, which were also under consideration for discontinuance. Mr. Boling said there were, but that the present list had been selected initially because they are a cross section and because there could be potential problems with them. Mr. Rimsky suggested the subcommittee deal with all the potential road abandonments at once so that it would have the full picture of the impact on the Town. Mr. Boling responded the full list was not ready at this time and his committee had hoped to go to a Town Meeting with the first list in September. This matter will be discussed again at the September 2nd meeting.

Referral from the Board of Selectmen/10 Blackville Road/Lot Line Revision: The map by Mr. Alex, "Site Analysis Plan," dated July 2003 was reviewed. Mrs. Luckey, First Selectman, explained the proposed exchange of .078 acre parcels between the new Town garage property at 10 Blackville Road and the adjoining Realco LLC property. She noted it was necessary in order to complete drainage work so the upper portion of the Town garage property could be accessed. Mrs. Roberts noted this had been discussed with the Commission several years ago when it had inspected the property. It was the consensus of the Commission to support the proposed lot line revision.

2002-2003 Annual Report: Copies of the draft report by Mrs. Hill were circulated and read.

MOTION: To approve the 2002-2003 Annual Report as presented. By Mrs. Roberts, seconded by Mr. Rimsky, and passed 5-0.

Plan of Conservation and Development: Mrs. Hill passed out copies of the Conservation Commission's revised Open Space Report dated 8/6/03. Mr. Bender suggested he meet with Mr. Wood to review the revised report, a letter from Mrs. Friedman, his notes, and any other information received since the last meeting and make corresponding revisions if necessary so that Mr. Wood could have draft #6 ready for the 8/19 meeting. Regarding the revised 8/6/03 Report, Mr. Charles asked if Mr. Field and Mrs. Payne expected input from Planning or whether they expected it to be adopted as is. Mr. Bender noted the Conservation Commission and Open Space Steering Committee were the experts on open space and if they had come up with an agreed upon plan, the Planning Commission should adopt it. Mr. Charles noted the revised report was also being sent to the Open Space Steering Committee members for approval. He briefly reviewed some of the differences between the Steering Committee's and Conservation Commission's open space reports including tax abatements and methods for funding the purchase of open space. Mr. Rimsky stressed the Planning Commission should receive the final report, not a version that is still under debate. Mr. Charles thought the Conservation Commission would approve the revised 8/6/03 report at its next meeting, but he did not know what the Steering Committee members would do. Mr. Rimsky noted the Planning Commission has the right to include recommendations in the Plan of Conservation and Development to clarify and improve the Open Space Report if this is determined to be necessary. Mr. Bender asked that Mr. Charles notify him about whether the Steering Committee OK'd the Open Space Report by 8/8. If so, he asked that Mrs. Hill prepare copies with the revisions highlighted for his meeting with Mr. Wood. Mr. Wood reviewed the process and schedule for the remaining work on the update of the Plan. Hopefully on 8/19 the Commission will be comfortable with draft #6 so that it can be formally referred to the NW Ct. COG and to the Board of Selectmen who will have to decide whether to hold a Town Meeting to consider it. The Planning Commission must hold its own public hearing, but can not schedule it until 65 days after it is referred to the Board of Selectmen. If the Selectmen determine the Plan should go before a Town Meeting, that body may vote on all of it or sections of it. If voted down at a Town Meeting, the Planning Commission may still adopt the Plan by a super majority. Mr. Wood explained that once the Planning Commission adopts the Plan, it can be formally adopted by the Town, but that this is not necessary or required.

Steap Grant: Mrs. Luckey noted per state statute the improvements the Town hoped to make with Steap

Grant funds had to be referred to the Planning Commission. To date, the Town had only a general description of the proposed projects and Mr. Bender had advised her what additional information/specifications the Commission would require for its review. Mr. Bender asked for two volunteers to review the information from the Board of Selectmen and report back to the Commission at its next meeting about whether or not the proposed work is appropriate from a planning point of view. Mrs. Roberts and Mr. Sabin were appointed to do the review.

Scenic Road Ordinance: Draft #11 of the proposed Scenic Road Ordinance had been mailed to the Commissioners. Mr. Sabin and Mr. Rimsky will review the draft and report on it to Mrs. Hill prior to the next meeting.

Correspondence

Mr. Bender noted the Commission had received a letter dated 7/24/03 from Mrs. Klein regarding the ongoing work on the Cantor property on Tinker Hill Road. It was the consensus of the Commission that this was not a planning matter.

MOTION: To adjourn the meeting. By Mrs. Roberts.

Mr. Bender adjourned the meeting at 10:10 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill
Land Use Coordinator